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Date: 24 September 2003**To:** Examiner **Richard Lovering**
US Patent and Trademark Office
Tel. No. 703-308-0443
Fax: 703-872-9310**Subject:** USSN 08/930,235
Our Ref.: Beiersdorf 454.3-KGB/HCL**From:** Howard C. Lee**Comments:** Filing of: response to Notice of Non-Compliant Amendment (37 CFR 1.121) -copy of
Pending Claims (3pgs.); Copy of a Notice of Non-Compliant Amendment (1pg.)

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COPY OF PENDING CLAIMS (No amendments made)

Claims 1-3 (cancelled)

Claim 4 (previously added)

4. An oil-in-water microemulsion comprising:

- a) an oil phase, said oil phase comprising $\leq 11.8\%$ by weight of the microemulsion, and comprising low volatility constituents;
- b) an aqueous phase comprising:
 - i) one or more polyethoxylated oil-in-water emulsifiers;
 - ii) one or more polypropoxylated oil-in-water emulsifiers; and/or
 - iii) one or more polyethoxylated and polypropoxylated oil-in-water emulsifiers;
- c) one or more emulsifiers to a total emulsifier content of less than 20% by weight of the microemulsion;

wherein said microemulsion is transparent or translucent.

Claim 5 (previously added)

5. The microemulsion according to claim 4, which comprises one or more substances having cosmetic or dermatological activity.

Claim 6 (previously added)

6. The microemulsion according to claim 4, which comprises substances soluble or dispersible in water.

Claim 7 (previously added)

7. A process for preparing a microemulsion according to claim 4, said process comprising:

- a) mixing constituents of the oil phase, constituents of the aqueous phase, and optionally

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one or more water-in-oil emulsifiers to form a first mixture;

- b) adding one or more oil-in-water emulsifiers to said first mixture to form a second mixture;
- c) varying at least one parameter so that the second mixture passes through a phase inversion region between water-in-oil microemulsions and oil-in-water microemulsions and is brought into a phase inversion region where the second mixture exists as an oil-in-water microemulsion, wherein the parameter is selected from the group consisting of temperature and concentration of at least one of the emulsifiers, the oil phase or the aqueous phase.

Claim 8 (previously added)

8. A process for preparing a microemulsion according to claim 4, said process comprising:

- a) mixing constituents of the oil phase, constituents of the aqueous phase, one or more oil-in-water emulsifiers, and optionally one or more water-in-oil emulsifiers to form a mixture;
- b) forming an oil-in-water emulsion by bringing said mixture to a temperature which is:
 - i) a temperature at which components soluble in the oil phase dissolve or at least melt;
 - ii) a temperature which corresponds at least to a melting point of the oil phase component having the highest melting point of those components not in a dissolved state; and
 - iii) a temperature which is below a phase inversion temperature range of the mixture; and
- c) cooling said oil-in-water emulsion to room temperature to form an oil-in-water microemulsion.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

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